

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

AARON BRADLEY LASYONE,

Petitioner,

v.

TIM GARRETT, *et al.*,

Respondents.

Case No. 3:24-cv-00171-MMD-CLB

ORDER DIRECTING RESPONSE

Petitioner Aaron Bradley Lasyone submitted a *pro se* 28 U.S.C. § 2254 habeas petition. (ECF No. 1 (“Petition”).) This Court ordered Lasyone to show cause why his Petition should not be dismissed as time barred. (ECF No. 4.) Lasyone timely responded. (ECF No. 6.) On June 13, 2024, this Court dismissed the Petition with prejudice as time barred, finding that Lasyone was not entitled to equitable tolling. (ECF No. 9.) On July 8, 2024, and July 10, 2024, respectively, Lasyone filed a counseled motion for reconsideration and notice of appeal.¹ (ECF Nos. 11 (“Motion”), 12.) The Court finds that a response to the Motion would benefit the Court.²

¹The notice of appeal in this matter does not divest this Court of jurisdiction under Rule 4(a)(4)(A) of the Federal Rules of Appellate Procedure. *See Miller v. Marriott Int’l, Inc.*, 300 F.3d 1061, 1064 (9th Cir. 2002) (“Under Rule 4(a)(4)(A), the . . . Rule 60(b) motions prevented the . . . notices of appeal from becoming effective until the district court rules on the merits of those motions.”); *United Nat. Ins. Co. v. R & D Latex Corp.*, 242 F.3d 1102, 1109 (9th Cir. 2001) (indicating that ordinarily a notice of appeal becomes effective when the district court rules on a motion for reconsideration).

²This Court previously explained that “[n]o response is required from Respondents other than to respond to any orders of a reviewing court.” (ECF No. 9 at 6.) As such, it is not assumed that Respondents will file a response to the motion for reconsideration absent an order directing them to do so.

1 It is therefore ordered that Respondents file a response to the motion for
2 reconsideration (ECF No. 11) on or before August 12, 2024. Lasyone will then have 14
3 days following the response to file a reply.

4 DATED THIS 10th Day of July 2024.

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8 MIRANDA M. DU
9 CHIEF UNITED STATES DISTRICT JUDGE
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